

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Urban Zone, Nagpur**

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**Case No. CGRF(NUZ)/198/2014**

**Applicant** : Mohd. Izhar Mohd. Ibrahim Shaikh,  
Plot No. 10, Ratannagar,  
Mankapur, Koradi Road,  
Nagpur.

**Non-applicant** : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee),  
MSEDCL, N.U.C.,  
NAGPUR.

**Quorum Present** : 1) Shri Shivajirao S. Patil,  
Chairman.  
  
2) Adv. Subhash Jichkar  
Member.  
  
3) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 7.10.2014.**

1. The applicant filed present grievance application before this Forum on 16.8.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that P.D. arrears of Rs. 31239.39 in respect of consumer No. 410017451174 in the same name of

the applicant is wrongly charged in his bill for the month of May 2014. Therefore he requested to withdraw the same.

3. Non applicant denied applicant's case by filing reply dated 12.9.2014. It is submitted that grievance application is untenable at law and deserves to be dismissed.

4. According to Regulation 10.5 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005, P.D. arrears are added in the bill.

5. Forum heard arguments of both the sides and perused the record.

6. It is an admitted fact that consumer number of applicant is 410012192847/3. It is also an admitted fact that there is another Consumer No. of the applicant 410017451174. It is also an admitted fact that there are P.D. arrears of Rs. 31239.39 against the consumer number of the applicant bearing No. 410017451174. Section 56 (1) of Electricity Act 2003 reads as under : -

*“Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days notice in writing to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect*

*ANY electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum together with any expenses incurred by him in cutting off and reconnecting the supply, are paid”.*

7. Therefore according to Section 56 (1) of Electricity Act 2003, where any person neglects to pay any charge for electricity or any sum other than charge for electricity due from him to a licensee in respect of supply ..... without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect ANY electric supply line or other works being the property of such licensee ..... are paid”.

8. Therefore interpretation of the word “ANY” is given elaborately in commentary book and as per this provision, P.D. arrears of one meter of the applicant can be recovered in the bill of another meter of the applicant. It is true that according to section 56 (2) of Electricity Act 2003, there is two years limitation but in these provisions, it is specifically mentioned that “Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer under this section shall be recoverable after a period of two years from the date when such sum becomes first due unless such sum has been shown continuously as recoverable as arrears of charges or electricity supplied. Record shows that in every months bill these arrears are carried forward by distribution licensee and therefore these arrears have been shown continuously as

recoverable as arrears of charges for electricity supplied and hence it is within limitation within the meaning of Section 56 (1) of Electricity Act 2003.

9. According to applicant there was tenant and he utilised the electricity. However, provisions of regulation 10.5 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005 apply and these are the arrears against property. Applicant consumer is one and the same.

10. Therefore we find no substance in present grievance application and application deserves to be dismissed. Hence following order: -

#### ORDER

- 1) Grievance application is dismissed.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN